

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on 01/31/2011. Claims 1-48 are pending with no claims being further amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-48 have been considered but they are not persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicant's main point of contention.

Applicant's arguments include:

(1) **Non-Statutory Obviousness Type Double Patenting:**

a. Applicant arguments, see remark, pages 15-18, with respect to claims 1-48 rejected on grounds of non-statutory obviousness type double patenting over claims 1-32 of U.S. Patent No.7,483,985, claims 1-31 of U.S. Patent No.7,424,534, and claims 1-33 of co-pending Application No. 10/675,410, that office has not established a prima facie case of either anticipated or obviousness as office fails to provide the reasons why a person in the ordinary skill in the art would have conclude that have been anticipated or obvious over the elements of claims 1-32 of U.S. Patent No.7,483,985, claims 1-31 of U.S. Patent No.7,424,534, and claims 1-33 of co-pending Application No. 10/675,410, as required by the MPEP.

b. Applicant further argues that examiner support table has only provided claims 1-5 of pending application, claim 1 of Application 10/675410 and claims 1-5 of U.S. Patent No.7,424,534 and did not provide any of the claims of U.S. Patent No.7,483,985.

As to point **a**, it is examiner's position that the rejection of claims 1-48 on the grounds of non-statutory obviousness type double patenting over claims 1-32 of U.S. Patent No.7,483,985, claims 1-31 of U.S. Patent No.7,424,534, and claims 1-33 of co-pending Application No. 10/675,410, is proper as examiner has properly pointed out the similarities and the differences in pending claims, U.S. Patent No.7483985, 7424534, and co-pending Application No. 10/675,410. As explained in detailed double patenting rejection below. As for applicant's arguments toward prima facie case goes, examiner would like to point out that examiner has provided proper reasoning of obviousness with motivation to combine between the difference variation of pending application and U.S. Patent No.7483985, 7424534, and co-pending Application No. 10/675,410 in detail 35 U.S.C 103(a) rejection below. Thus, claims 1-48 rejected on grounds of non-statutory obviousness type double patenting is proper.

As to point **b**, examiner noted that the table provided in below double patenting rejection is not required by MPEP and is only to show the resemblance of the claims for pending, co-pending, other applications and/or Patents. As stated in table, the claims showed are few examples of pending application and conflicting co-pending application and Patent. Thus, it is examiner's applicant's argument is not persuasive.

(2) **The proposed combination of Lu, Hoshen and Parker:**

c. Applicant argues, see remarks, pages 19-30, Lu, Hoshen and Parker alone or in combination fails to teach or suggest, "second software configured to enable a user at the

first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home,” as cited in independent claim 1 and similarly in 15, 25, 30 and 35.

d. Applicant further argues that office has failed to establish *prima facie* case of obviousness since all of the claim limitations must be taught or suggested by the prior art. Lu fails to teach or suggest, “first software that maintains a user defined association of the first and second network protocol addresses, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television”.

As to point **c**, it is examiner's position that Parker teaches wherein, “second software configured to enable a user (i.e. 17) at the first home (i.e. 10) to construct, at the first home, at least one user defined media channel (see at least par. (0016, 0017), Fig. 1: wherein audio and video communication link between a service provider workstation 10 and a remote location 11 over a data network 13 is explained), the second software (i.e. 25) (Fig. 2) also configured to enable

closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home (see figures 1, 2 and 3 and details, par. (0020, 0025, 0027) wherein a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses. A requester information database stores a data record corresponding to the requester. The requester communication device includes a signaling device for generating a request signal and a controller responsive to the request signal for initiating a video communication link between the requester communication device and the service provider workstation using the respective network addresses and for initiating display of the data record at the service provider workstation). Thus it is examiner's position that Parker for at least given reasons teach or suggest.

As to point **d**, examiner noted that applicant argues that Lu alone teach or suggest, "first software that maintains a user defined association of the first and second network protocol addresses, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television," however, as , such limitation is taught or suggest by Lu in view of Hoshen

and as explained in detail action below. Applicant appears to assert that neither reference individually teaches these aspects of claimed invention. In response to the applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. see *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). “[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968). See MPEP 2144.01

Examiner's Note:

Applicant's is encouraged to include more information in light of specification into the claims which applicant thinks is the novelty of applicant's claimed invention. Furthermore, if helpful, applicant's is encouraged to communicate with Examiner for consideration of applicant's proposed amendments or suggestions which Applicant thinks put application in better condition toward allowance.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined

application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-48 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 7,483,985, claims 1-31 of U.S. Patent No. 7,424,534, and claims 1-33 of co-pending Application No. 10/675,410. Although the conflicting claims are not identical, they are not patentably distinct from each other because the content of these claims is not exactly the same. All of these applications claims a system supporting concurrent consumption of media from multiple sources; a first and second television with storage for storing and distributing multimedia; software that maintain a user defined of the

first and second network protocol addresses etc.. The limited differences includes supporting the exchange of media, providing search functionalities to support the exchange, and 3rd party media, are obvious variations that would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the known technique of the Patents and copending application to the system.

Instant Application 10/667,833	Co-Pending Applications
<p>Exemplary Claims of Instant Application:</p> <p>Claim 1, A system supporting concurrent consumption of media from multiple sources, the system comprising: a first television in a first home; a first storage in the first home that stores a first media, and having an associated first network protocol address; a second television in a second home; a second storage in the second home, the second storage having an associated second network protocol address; at least one server for storing and distributing 3rd party media; a communication network; and first software that maintains a user defined association of the first and second network protocol addresses, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television; and second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home.</p> <p>Claim 2, The system of claim 1 wherein the first media comprises one or more of audio, a still image,</p>	<p>Exemplary Claims of Co-Pending Applications:</p> <p>Co-Pending Application: 10/675,410</p> <p>Claim 1, a system supporting the exchange of media in a communication network, the system comprising: a first television display, at a first home, to support the consumption of media comprising audio and/or video; at least one first media peripheral, at the first home, for the production of media comprising audio and/or video; a first storage, at the first home, for storing media comprising audio and/or video, the first storage communicatively coupled to the first television display; a first set top box circuitry, at the first home, communicatively coupling the first television display and the at least one first media peripheral to the communication network; a second television display, at a second home, to support the consumption of media comprising audio and/or video; a second set top box circuitry, at the second home, communicatively coupling the second television display to the communication network; providing users with a guidance application in order to facilitate the retrieval of stored audio and video information; a graphical user interface, at the first home, having at least one view comprising a graphical representation of at least one user defined media channel for the communication of media comprising audio and/or video, the at least one user defined media channel comprising a graphical representation of a user selected and scheduled sequence of media content comprising audio and/or video, the graphical user interface operable to allow a user to immediately establish and/or to schedule automatic establishment of one or more streaming media sessions; second software resident in a first memory at the first home configured to enable a user at the first home to construct, at the first home, the at</p>

video, and/or data.	least one user defined media channel; and communication of the at least one user defined media channel to other members that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home.
Claim 3, the system of claim 2 wherein the first media is real-time video.	
Claim 4, the system of claim 1 wherein the 3rd party media comprises one or more of audio, a still image, video, and/or data.	Exemplary Claims of Patent No. 7,424,534:
Claim 5, the system of claim 1 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).	<ol style="list-style-type: none">1. A system supporting common consumption of media, the system comprising: a first television at a first home; a first storage in the first home, the first storage supporting consumption of the media by the first television, and having a first network protocol address with respect to a first user in the first home; a user interface displayed on the first television at the first home, the user interface having at least one view comprising a representation of media available for consumption, the user interface supporting the selection and scheduling of media for delivery to a second home; a second television at the second home that is separate and distinct from the first home; a second storage in the second home, the second storage supporting consumption of the media by the second television, and having a second network protocol address with respect to a second user in the second home, wherein the second user is known to the first user; a communication network; and server software that maintains a user defined association of the first and second network protocol addresses and that receives a request identifying one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the media from the first storage to the second home for simultaneous consumption by the first and second television displays under control of a user at the first home.2. The system of claim 1 wherein the media comprises one or more of audio, still pictures, video, and/or data.3. The system of claim 1 wherein the media comprises real-time video.4. The system of claim 1 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).5. The system of claim 1 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, (US Patent No. 7,065,778) in view of Hoshen et al. (hereinafter Hoshen) (US Pub. No. 2002/0154892) and further in view of Parker et al. (hereinafter Parker) (US Pub. No. 2004/0125789).

5. Regarding claim 1, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: a first television (see col. 6 lines 21-28 and fig. 2; display 212 of PVR 200A) in a first home (see col. 6, lines 43-61, co. 1 lines 64-67, fig. 3); a first storage in the first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43), and having an associated first network protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address); a second television (see

display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to “a second home”; fig. 3); a second storage in the second home (see col. 10, lines 26-29, 40-43, data device 218 of a PVR is used for storing TV programs for future viewing), the second storage having an associated second network protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address); at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); a communication network; and first software (EPG server 304) that maintains a user defined association of the first and second network protocol addresses, that receives a request (see search topic from PVR 200) that identifies one of the associated first and second network protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server (see col. 6, lines 39-61, users associated with IP addresses of PVRs), and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television (see display 212 of PVR 200; col. 6, lines 21-28).

6. Although Lu discloses substantial features of applicant’s claimed invention, Lu fails to expressly disclose: wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home.

7. In analogous teaching, Hoshen exemplifies this where Hoshen teaches wherein server software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home (see abstract, par. [0003, 0078, 0085, 0055-0060] and figures 1-3 and the details associated).

8. Thus, given the teaching of Hoshen, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu and Hoshen for a 3rd party media communication with first and second home. Motivation for doing so would have been recording and storing selected programs in at least two SSTBs, and transmitting the stored program to the users, whenever a user request is obtained as taught by Hoshen (see par. 0022).

9. Although Lu-Hoshen disclose substantial features of applicant's claimed invention, Lu further fails to expressly disclose: second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home. Nevertheless, second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home, where well known at the time of the present invention.

10. In analogous teaching, Parker exemplifies this where Parker teaches wherein second software configured to enable a user at the first home to construct (a network-enabled personal computer workstation 14; Fig. 1), at the first home, at least one user defined media channel (see VT and Record Database Server 35; Fig. 1), the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home (see fig. 1 and details wherein a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses. A requester information database stores a data record corresponding to the requester. The requester communication device includes a signaling device for generating a request signal and a controller responsive to the request signal for initiating a video communication link between the requester communication device and the service provider workstation using the respective network addresses and for initiating display of the data record at the service provider workstation).

11. Thus, given the teaching of Parker, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu-Hoshen into Parker for a software configured user enabled media communication channel within peer network for motivation of efficient deployment of media caregiver or other service provider resources while increasing the quality and information content of communication (see Parker par. 0008).

12. Regarding claim 2, Lu discloses the system of claim 1 wherein the first media comprises one or more of audio, a still image, video, and/or data (see col. 7, lines 25-28, network 300

operate with any type of media content: audio, video, graphics, information, data, and/or the like in any type of format).

13. Regarding claim 3, Lu, discloses the system of claim 2 wherein the first media is real-time video (see col. 7, lines 25-28).

14. Regarding claim 4, Lu discloses the system of claim 1 wherein the 3rd party media comprises one or more of audio, a still image, video, and/or data (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

15. Regarding claim 5, Lu discloses the system of claim 1 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN) (see col. 10, lines 10-15, each PVR is associated with an IP address).

16. Regarding claim 6, Lu discloses the system of claim 1 wherein the at least one server comprises one or more of a 3rd party media provider, a 3rd party service provider, and/or a broadband head end (see col. 7, lines 20-24, lines 53-58, server 304 could be a 3rd party storage vendor).

17. Regarding claim 7, Lu discloses the system of claim 1 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (see col. 7, lines 1-8, PVR 200, 200A and EGP server 304 may be coupled via coaxial cable, copper wire, fiber optics, the internet 302, wireless communication and the like).

18. Regarding claim 8, Lu discloses the system of claim 7 wherein the communication network is the Internet (see col. 7, lines 1-8, internet 302).

19. Regarding claim 9, Lu discloses the system of claim 1 wherein the consuming comprises one or more of playing digitized audio, displaying a still image, displaying video, and/or displaying data (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

20. Regarding claim 14, Lu discloses the system of claim 1 further comprising a media guide interface for displaying media availability (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

21. Regarding claim 15, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: a first storage in a first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43), and having a first protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address); a second television (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to “a second home”; fig. 3), and having a second protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address); at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); set top box circuitry (see PVR 200A corresponding to “set top box circuitry”; col. 5, lines 26-35), in the first home, communicatively coupled to deliver the first media from the first storage to the second television concurrent with consumption, at the first home, of at least the 3rd party media (see display 212 of PVR 200; col. 6, lines 21-28); a communication network; first software (see figure 3, EPG server 304) that maintains a user

defined association of the first and second network protocol addresses, that receives a request (see search topic from PVR 200) that identifies one of the associated first and second protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and responds by identifying the other of the associated first and second protocol addresses (see col. 6, lines 45-50, IP address of PVR 200A is located (identified) for server to send request to record desired TV shows) to support delivery via the communication network of the 3rd party media from the at least one server and the first media from the first storage, to the second television for concurrent consumption of the 3rd party media and the first media (see display 212 of PVR 200; col. 6, lines 21-28).

22. Although Lu discloses substantial features of applicant's claimed invention, Lu fails to expressly disclose: wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home. Nevertheless, server software that maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home, were well known in the art at the time of the present invention.

23. In analogous teaching, Hoshen exemplifies this where Hoshen teaches wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home (see abstract, par. [0003, 0078, 0085, 0055-0060] and figures 1-3 and the details associated).

24. Thus, given the teaching of Hoshen, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu and Hoshen for a 3rd party media communication with first and second home. Motivation for doing so would have been recording and storing selected programs in at least two SSTBs, and transmitting the stored program to the users, whenever a user request is obtained as taught by Hoshen (see par. 0022).

25. Although Lu-Hoshen disclose substantial features of applicant's claimed invention, Lu further fails to expressly disclose: second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home. Nevertheless, second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home, where well known at the time of the present invention.

26. In analogous teaching, Parker exemplifies this where Parker teaches wherein second software configured to enable a user at the first home to construct (a network-enabled personal computer workstation 14; Fig. 1), at the first home, at least one user defined media channel (see VT and Record Database Server 35; Fig. 1), the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer

manner, from the first home (see fig. 1 and details wherein a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses. A requester information database stores a data record corresponding to the requester. The requester communication device includes a signaling device for generating a request signal and a controller responsive to the request signal for initiating a video communication link between the requester communication device and the service provider workstation using the respective network addresses and for initiating display of the data record at the service provider workstation).

27. Thus, given the teaching of Parker, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu-Hoshen into Parker for a software configured user enabled media communication channel within peer network for motivation of efficient deployment of media caregiver or other service provider resources while increasing the quality and information content of communication (see Parker par. 0008).

28. Regarding claim 16, the limitations of this claim has already been addressed (see claim 2 above).

29. Regarding claim 17, the limitations of this claim has already been addressed (see claim 3 above).

30. Regarding claim 18, the limitations of this claim has already been addressed (see claim 4 above).

31. Regarding claim 19, the limitations of this claim has already been addressed (see claim 5 above).

32. Regarding claim 20, the limitations of this claim has already been addressed (see claim 6 above).

33. Regarding claim 21, the limitations of this claim has already been addressed (see claim 7 above).

34. Regarding claim 22, the limitations of this claim has already been addressed (see claim 8 above).

35. Regarding claim 25, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: a first storage in a first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43); a second television (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to “a second home”; fig. 3); at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); set top box circuitry (see PVR 200A corresponding to “set top box circuitry”; col. 5, lines 26-35), in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television (see display 212 of PVR 200; col. 6, lines 21-28); a communication network; first software (see figure 3, EPG server 304) that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry (see col. 6, lines 39-61, users associated with IP addresses of PVRs).

36. Although Lu discloses substantial features of applicant’s claimed invention, Lu fails to expressly disclose: wherein first software maintains a user defined association of the first and

second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home. Nevertheless, server software that maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home, were well known in the art at the time of the present invention.

37. In analogous teaching, Hoshen exemplifies this where Hoshen teaches wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home (see abstract, par. [0003, 0078, 0085, 0055-0060] and figures 1-3 and the details associated).

38. Thus, given the teaching of Hoshen, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu and Hoshen for a 3rd party media communication with first and second home. Motivation for doing so would have been recording and storing selected programs in at least two SSTBs, and transmitting the stored program to the users, whenever a user request is obtained as taught by Hoshen (see par. 0022).

39. Although Lu-Hoshen disclose substantial features of applicant's claimed invention, Lu further fails to expressly disclose: second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home. Nevertheless, second software

configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home, where well known at the time of the present invention.

40. In analogous teaching, Parker exemplifies this where Parker teaches wherein second software configured to enable a user at the first home to construct (a network-enabled personal computer workstation 14; Fig. 1), at the first home, at least one user defined media channel (see VT and Record Database Server 35; Fig. 1), the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home (see fig. 1 and details wherein a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses. A requester information database stores a data record corresponding to the requester. The requester communication device includes a signaling device for generating a request signal and a controller responsive to the request signal for initiating a video communication link between the requester communication device and the service provider workstation using the respective network addresses and for initiating display of the data record at the service provider workstation).

41. Thus, given the teaching of Parker, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu-Hoshen into Parker for a

software configured user enabled media communication channel within peer network for motivation of efficient deployment of media caregiver or other service provider resources while increasing the quality and information content of communication (see Parker par. 0008).

42. Regarding claim 26, the limitations of this claim has already been addressed (see claim 4 above).

43. Regarding claim 27, the limitations of this claim has already been addressed (see claim 7 above).

44. Regarding claim 29, the limitations of this claim has already been addressed (see claim 14 above).

45. Regarding claim 30, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: set top box circuitry (see PVR 200A corresponding to “set top box circuitry”; col. 5, lines 26-35), in a second home, communicatively coupled to receive first media from a first storage located in a first home and to receive 3rd party media from at least one server, for concurrent consumption by a second television in the second home (see display 212 of PVR 200; col. 6, lines 21-28); first software (see figure 3, EPG server 304) that coordinates delivery via a communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry (see col. 6, lines 39-61, users associated with IP addresses of PVRs).

46. Although Lu discloses substantial features of applicant’s claimed invention, Lu fails to expressly disclose: wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home. Nevertheless,

server software that maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home, were well known in the art at the time of the present invention.

47. In analogous teaching, Hoshen exemplifies this where Hoshen teaches wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home (see abstract, par. [0003, 0078, 0085, 0055-0060] and figures 1-3 and the details associated).

48. Thus, given the teaching of Hoshen, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu and Hoshen for a 3rd party media communication with first and second home. Motivation for doing so would have been recording and storing selected programs in at least two SSTBs, and transmitting the stored program to the users, whenever a user request is obtained as taught by Hoshen (see par. 0022).

49. Although Lu-Hoshen disclose substantial features of applicant's claimed invention, Lu further fails to expressly disclose: second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home. Nevertheless, second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure

communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home, where well known at the time of the present invention.

50. In analogous teaching, Parker exemplifies this where Parker teaches wherein second software configured to enable a user at the first home to construct (a network-enabled personal computer workstation 14; Fig. 1), at the first home, at least one user defined media channel (see VT and Record Database Server 35; Fig. 1), the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home (see fig. 1 and details wherein a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses. A requester information database stores a data record corresponding to the requester. The requester communication device includes a signaling device for generating a request signal and a controller responsive to the request signal for initiating a video communication link between the requester communication device and the service provider workstation using the respective network addresses and for initiating display of the data record at the service provider workstation).

51. Thus, given the teaching of Parker, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu-Hoshen into Parker for a software configured user enabled media communication channel within peer network for

motivation of efficient deployment of media caregiver or other service provider resources while increasing the quality and information content of communication (see Parker par. 0008).

52. Regarding claim 31, the limitations of this claim has already been addressed (see claim 2 above).

53. Regarding claim 32, the limitations of this claim has already been addressed (see claim 7 above).

54. Regarding claim 34, the limitations of this claim has already been addressed (see claim 14 above).

55. Regarding claim 35, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); first software (see figure 3, EPG server 304) that maintains a user defined association of a first network protocol address of a first storage in a first home and second network protocol address of a second storage in a second home, the first software configured to receive a request that identifies one of the associated first and second network protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and respond by identifying the other of the associated first and second network protocol addresses to support delivery via a communication network of the 3ra party media from the at least one server (see col. 6, lines 39-61, user associated with IP addresses of PVRs), and the first media from the first storage, to the second home, and the 3rd party media from the at least one server to the first home, for concurrent consumption of the 3rd party media by a first television at the first home and the 3rd

party media and the first media by a second television at the second home (see display 212 of PVR 200; col. 6, lines 21-28).

56. Although Lu discloses substantial features of applicant's claimed invention, Lu fails to expressly disclose: wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home. Nevertheless, server software that maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home, were well known in the art at the time of the present invention.

57. In analogous teaching, Hoshen exemplifies this where Hoshen teaches wherein first software maintains a user defined association of the first and second network protocol addresses and wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home (see abstract, par. [0003, 0078, 0085, 0055-0060] and figures 1-3 and the details associated).

58. Thus, given the teaching of Hoshen, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu and Hoshen for a 3rd party media communication with first and second home. Motivation for doing so would have been recording and storing selected programs in at least two SSTBs, and transmitting the stored program to the users, whenever a user request is obtained as taught by Hoshen (see par. 0022).

59. Although Lu-Hoshen disclose substantial features of applicant's claimed invention, Lu further fails to expressly disclose: second software configured to enable a user at the first home

to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home. Nevertheless, second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home, where well known at the time of the present invention.

60. In analogous teaching, Parker exemplifies this where Parker teaches wherein second software configured to enable a user at the first home to construct (a network-enabled personal computer workstation 14; Fig. 1), at the first home, at least one user defined media channel (see VT and Record Database Server 35; Fig. 1), the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home (see fig. 1 and details wherein a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses. A requester information database stores a data record corresponding to the requester. The requester communication device includes a signaling device for generating a request signal and a controller responsive to the request signal for initiating a video communication link between the requester communication device and the service provider workstation using the respective

network addresses and for initiating display of the data record at the service provider workstation).

61. Thus, given the teaching of Parker, it would have been obvious to one of the ordinary skill persons in the art of networking to modify the teaching of Lu-Hoshen into Parker for a software configured user enabled media communication channel within peer network for motivation of efficient deployment of media caregiver or other service provider resources while increasing the quality and information content of communication (see Parker par. 0008).

62. Regarding claim 36, the limitations of this claim has already been addressed (see claim 2 above).

63. Regarding claim 37, the limitations of this claim has already been addressed (see claim 3 above).

64. Regarding claim 38, the limitations of this claim has already been addressed (see claim 4 above).

65. Regarding claim 39, the limitations of this claim has already been addressed (see claim 5 above).

66. Regarding claim 40, the limitations of this claim has already been addressed (see claim 6 above).

67. Regarding claim 41, the limitations of this claim has already been addressed (see claim 7 above).

68. Regarding claim 42, the limitations of this claim has already been addressed (see claim 8 above).

69. Regarding claim 43, the limitations of this claim has already been addressed (see claim 9 above).

70. Regarding claim 44, the limitations of this claim has already been addressed (see claim 10 above).

71. Regarding claim 48, the limitations of this claim has already been addressed (see claim 14 above).

72. Claims 10-13, 23-24, 28, 33, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, (US Patent No. 7,065,778) in view of Hoshen et al. (hereinafter Hoshen) (US Pub. No. 2002/0154892), further in view of Parker et al. (hereinafter Parker) (US Pub. No. 2004/0125789), and further in view of Cohen et al. (Cohen) (US Patent # 6,963,358).

73. Regarding claim 10, Lu-Hoshen-Parker disclose substantial features of applicant's claimed invention for the reasons above, Lu-Hoshen-Parker fails to disclose wherein the system of claim 1 further comprising: at least one first media peripheral communicatively coupled to the first storage. In analogous teaching, Cohen exemplifies this where Cohen discloses at least one first media peripheral (digital camera 10) communicatively coupled to the first storage (see device 100b, figure 6A, col. 13 lines 37-39).

74. Thus, given the teaching of Cohen, it would have been obvious to one of the ordinary skill in the art of network at the time of the invention to modify Lu-Hoshen-Parker and Cohen teaching for a system wherein at least one first media peripheral communicatively coupled to the first storage. Motivation to do so would have been to make the modification to Lu would allow

the media data of a peripheral to be transmitted to a remote location and allow authorized individuals to gain access and retrieve the media data as taught by Cohen (see col. 3, lines 29-31, and col. 4, lines 42-54).

75. Regarding claim 11, the combination of Lu and Cohen disclose the system of claim 10 and Cohen further discloses wherein the at least one first media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player (see col. 14, lines 19-27, fig. 6C of Cohen, peripheral in Cohen is a digital camera).

76. Regarding claim 12, Lu-Hoshen-Parker disclose substantial features of applicant's claimed invention for the reasons above, Lu-Hoshen-Parker fails to disclose wherein the system of claim 1 further comprising: at least one first media peripheral communicatively coupled to the first storage. In analogous teaching, Cohen exemplifies this where Cohen discloses at least one first media peripheral (digital camera 10) communicatively coupled to the first storage (see device 100b, figure 6A, col. 13 lines 37-39).

77. Thus, given the teaching of Cohen, it would have been obvious to one of the ordinary skill in the art of network at the time of the invention to modify Lu-Hoshen-Parker and Cohen teaching for a system wherein at least one first media peripheral communicatively coupled to the first storage. Motivation to do so would have been to make the modification to Lu would allow the media data of a peripheral to be transmitted to a remote location and allow authorized individuals to gain access and retrieve the media data as taught by Cohen (see col. 3, lines 29-31, and col. 4, lines 42-54).

78. Regarding claim 13, the limitations of this claim has already been addressed (see claim 11 above).

79. Regarding claim 23, the limitations of this claim has already been addressed (see claim 10 above).

80. Regarding claim 24, the limitations of this claim has already been addressed (see claim 11 above).

81. Regarding claim 28, the limitations of this claim has already been addressed (see claim 11 above).

82. Regarding claim 33, the limitations of this claim has already been addressed (see claims 11, 13, 28 above).

83. Regarding claim 45, the limitations of this claim has already been addressed (see claim 11 above).

84. Regarding claim 46, the limitations of this claim has already been addressed (see claim 12 above).

85. Regarding claim 47, the limitations of this claim has already been addressed (see claim 13 above).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./

Application/Control Number: 10/667,833
Art Unit: 2444

Page 33

Supervisory Patent Examiner, Art Unit 2444